



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,559	01/29/2002	Todd McGee	38021.010000	5781

7590 06/07/2006  
GREENBERG TRAURIG, P.A.  
1221 Brickell Avenue  
Miami, FL 33131

EXAMINER

ZEENDER, FLORIAN M

ART UNIT PAPER NUMBER

3627

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/059,559

Applicant(s)

MC GEE, TODD

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

Claim 6 was withdrawn from consideration in the Office action mailed 12/29/2005 as being directed to an invention that is independent or distinct from the invention originally claimed. The claim continues to be withdrawn from consideration. The applicant has incorrectly labeled the claim as “(currently amended)” when in fact it should have been labeled (“previously withdrawn”), similar to claim 4. The Examiner has reviewed the “election by original presentation” requirement and the requirement is proper and therefore has been made FINAL.

### *Claim Rejections - 35 USC § 103*

Claims 1, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner '311.

Skinner discloses a system for conducting multiple-item search queries (See for example paragraph 0037, lines 14-16; **and paragraph 0043, lines 40-51, “testing services or other services with the identified testing services supplier”**) in a system for engaging in e-commerce; computer hardware, software and storage means containing information regarding suppliers and products/services available for purchase (See for example paragraphs 0031-0036); servers providing Internet-based access and use of the system (See for example 0023); means for buyers to search for multiple products/services by entering a single search query (See for example 0037, 0043); means for providing search results whereby the results are grouped (i.e., group of suppliers) and ranked (See for example paragraph 0037 and paragraph 0049) by

Art Unit: 3627

supplier based on which supplier has the greatest capability to supply multiple amounts of products/services, including the ability of a single supplier to fulfill multiple roles (See 0049, lines 21-22).

Skinner lacks the specific teaching of the search results being ranked by the supplier having inventory for the greatest number of queried products/services.

It would have been an obvious design choice to one of ordinary skill in the art at the time of the invention to modify Skinner to have the ranking be for the supplier having inventory for the greatest number of queried products/services, as the result for the greatest "capability" to supply products/services (*as taught by Skinner*) is directly proportional to a result for the greatest number of products/services, and to substitute one type of result for the other would produce similar desired information resulting in a similar final outcome.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner '311 in view of Shavit et al. '156.

Skinner lacks the specific teaching of transmitting RFQ's and receiving responses to RFQ's.

Shavit et al. teach that it is well known in the art to transmit/receive information with respect to RFQ's (See for example Cols. 12-15).

It would have been obvious to one of ordinary skill in the art to modify Skinner et al. to include transmitting RFQ's and receiving responses to RFQ's, in view of Shavit et al., in order to provide on-line interactive sales service (See Shavit et al., lines 45-48).

### ***Response to Arguments***

Applicant's arguments filed 3/30/2006 have been fully considered but they are not persuasive.

The applicant argues that Skinner teaches a system whereby buyers can search for multiple amounts of the same (*emphasis added*) product/service. However, Skinner does not teach that the search has to be for multiple amounts of the same product/service, as paragraph 0043, lines 49-51, states that the user executes a transaction for testing services or other services (*i.e., not necessarily multiple amounts of the same service*) with a single identified testing services supplier.

The applicant further argues that Skinner does not teach ranking of suppliers by capability **to fulfill all supplier roles**. However, this limitation is not found in the claims, and therefore the argument is moot. Further, the applicant argues that Skinner does not teach searching for multiple different products/services via a single search query for the entire (*emphasis added*) multiple products/service order. However, this limitation is also not found in the claims and is therefore also a moot argument.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

Art Unit: 3627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The receptionist's phone number for the Technology center is (571) 272-3600 .

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

F. Zeender  
Primary Examiner, A.U. 3627  
May 30, 2006

 5/30/06  
**F. RYAN ZEENDER**  
**PRIMARY EXAMINER**